

REMARKS

It is respectfully submitted that the Examiner is misinterpreting the teachings of the Nuhrah et al. reference as they relate to the claims as presented, and is failing to correctly read the limitations set forth in the claims.

Independent claim 1 requires "a stationary chute ramp member positioned within said chute, said chute ramp member directing said lowermost beverage container horizontally through said opening along said bottom and into said main cooling compartment". Independent claim 17 requires "a stationary chute ramp member positioned at the junction of said bottom and said another of said walls, whereby said stationary chute ramp member directs the lowermost of said beverage containers disposed in said chute horizontally through said lower opening and into said main cooling compartment".

The Examiner states in the last office action that Nuhrah et al. anticipates the claims by teaching "a stationary chute ramp member (the curved bottom of element 2, FIG. 3), also for directing cans along the bottom of the container".

The curved bottom of element 2 does not and cannot be used to function in the manner put forth by the Examiner. In the Nuhrah et al. device, the cans (bottles) 4 are deposited through hinged cover member 10 into the left side compartment 2a (Figures 3 and 3a). The seesaw-type transfer device 5 allows one can 4 at a time to roll down the transfer device to be located underneath the right side compartment 2b. Lifting the cover 8 of compartment 2b elevates the lowermost can 4 above the retaining device 9, which allows upward movement of the cans 4 but prevents downward movement.

Thus, the Examiner has the Nuhrah et al. device operating backwards. The Examiner's statement in the office action that compartment 2a is the main compartment is incorrect. The

Examiner's statement that the compartment 2b is the chute is incorrect. It is compartment 2a of Nuhrah et al. that is the equivalent of the loading chute of the invention and compartment 2b that is the equivalent of the main compartment of the invention. This is clearly stated in col. 2, lines 58 - 61 of the Nuhrah et al. patent, where compartment 2a is designated the "receiving compartment" and compartment 2b is designated the "delivery compartment".

The cans 4 in Nuhrah et al. cannot move from the right side compartment 2b into the left side compartment 2b for several reasons. First, any cans 4 deposited into compartment 2b will be stopped from reaching the bottom by retaining device 9. Second, if retaining device 9 is removed, the cans 4 dropped into compartment 2b will rest on the lower end of the transfer device 5, such that the inclined surface prevents any lateral movement. Third, operation of the cover 8 would simply raise the can 4 back up into the right side compartment 2b. Finally, as seen in the illustrations, the curved bottom of element 2 does not even direct the cans 4 vertically, much less horizontally, since the cans 4 bottom out in the transfer device and when raised, will actually be directed slightly inwardly and upwardly due to the curved surface at the end of transfer device 5.

The curved bottom of element 2 in Nuhrah et al. actually appears to serve no purpose, since the cans 4 will be stopped by the outer wall of the unit 2. In Figure 3, Nuhrah et al. illustrates that the can 4 does not even touch the curved bottom of element 2 when it resides in the transfer device 5.


It is physically impossible for a can 4 to be directed along the bottom of the Nuhrah et al. container as stated by the Examiner in this office action. In Nuhrah et al., the cans 4 do not even contact the bottom of the device, since they are always supported by the transfer device 5. The Nuhrah et al. device does not possess structure that can function in the manner described in the

claims. Thus, there can be no anticipation under Section 102, since not all features as claimed are explicitly or impliedly taught. Furthermore, there can be no proper rejection under Section 103, since there is no suggestion, motivation or teaching in the prior art that makes obvious the invention as claimed.

The Examiner also states that "Nuhrah continues to teach an opposing stationary ramp member (5b) for orienting the cans/bottles vertically into the main compartment". First of all, the ramp member 5b is not stationary, it pivots. Secondly, as explained above, the ramp member 5b cannot possibly orient the cans 4 vertically in compartment 2a, since it is impossible for a can to get to ramp member 5b if deposited into compartment 2b. Thirdly, the transfer device 5, referred to by the Examiner does not retain two cans 4 when in the horizontal position, since the can 4 in compartment 2b will be supported only by retaining device 9.

It is respectfully submitted that the claims are patentable, on the basis of the above remarks, and reconsideration and subsequent passage for allowance is hereby requested. In the event the above arguments remain unpersuasive, Applicant requests a telephone interview to discuss its position in more detail prior to pursuit of an appeal.

Respectfully submitted,


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